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1950.

File No. O. Lim[illegible]

Legal Department

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Subject:— Opinions under the Indian Limitations Act 1908

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File No. O. Limitatio

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C O N T E N T S.

Legal Department File No. O. Limitation/50.

Sr. No.	Compilation No.	Subject	Pages
	O. Limitation 1/50.	Opinions under Re:- Indian Limitation Act, 1908.	
1.	O.N. 13382 19-9-50.	Re:- Claim of Shri Shah engaged by the Thakure of Ambliara for fees still remains unsettled- to resist his claim on the ground of Limitation.----	1

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11.6

It appears that Shri Shah was engaged by the Thakore of Ambliara State sometime in 1945. Ordinarily the limitation for claiming fees by a pleader is three years under Article 84 of the Limitation Act. But this period whould be extended if an acknowledgement of the liability is made before the expiry of the period of limitation. The Thakore of Ambliara State has admitted the claim in 1948 which would be construed as an acknowledgement. Consequently, the claim of Shri Shah would not be defensible on the ground of limitation unless it be found that the Thakore made the acknowledgement of the liability after the expiry of the period of three years.

2. It is difficult to repudiate the claim of Shri Shah on the ground that it is not justifiable, for as he was engaged, the liability to pay him his fees would certainly arise. Besides, the Thakore also admits the claim. Government can, however, repudiate the claim on the ground that the engagement of Shri Shah was not at all on behalf of the State for as stated by Shri Shah himself in his letter dated 6th August 1949, the charge levelled against the Thakore was of harbouring dacoits and the Commission was appointed by the Baroda Government to investigate that charge and obviously the State had no concern with the Commission appointed for the purpose. Government may, therefore, inform Shri Shah that his claim for,

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fees, would not be admissible as the State papers do not disclose that he was engaged on behalf of the State as is also apparent from the nature of the case in which he was engaged to defend the Thakore against the serious charge of grave misconduct levelled against him.

Sd/- P.M.L.
Remembrancer of Legal Affairs.

U.R. to P. & S.D. No. 13323, dated the 19th September 1950.